

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Anthony Lauria, Senior Deputy Clerk.

F043143 Tri-County Special Ed. v. Co. of Tuolumne et al.

Cause called and argued by Gregory A. Wedner, Esq., counsel for appellant, Diane E. Finkelstein, Esq., counsel for Amicus Curaie CSBA Alliance and by Paul Griebel, Esq., Deputy County Counsel, counsel for respondent.

Cause ordered submitted.

Court recessed until 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Shandra Gallagher, Assistant Deputy Clerk.

F041563 People v. Corpuz

Cause called and argued by Oliver Northup, Esq., counsel for appellant and by Judy Kaida, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Vartabedian, J. to act as Presiding Justice in his absence and leaves the bench with Dawson, J.; they are replaced by Vartabedian, Acting P.J. and Buckley, J.

F043273 Friends of the Santa Clara River et al. v. Castaic Lake Water Agency et al.

Cause called and argued by Stephan C. Volker, Esq., counsel for appellant and by Jon B. Eisenberg, Esq., counsel for respondent Castaic Lake Water Agency and by Mark J. Dillon, Esq., counsel for respondent Valencia Water Co.

Cause ordered submitted.

Court recessed until Wednesday, September 15, 2004 at 10:00 A.M.

IN THE
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F044822 People v. Culver

The above-entitled case is submitted for decision.

F044822 People v. Culver

The judgment is modified to strike Culver's prior prison term enhancement. The trial court is directed to issue an amended abstract of judgment consistent with this opinion and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044876 People v. Randolph

The above-entitled case is submitted for decision.

F044876 People v. Randolph

The judgment is modified to include the above noted fees, assessments and surcharges. The judgment is also modified to strike the provision requiring Randolph to comply with Penal Code section 296. The trial court is directed to prepare an amended abstract of judgment consistent with this opinion and to send a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044675 People v. Gwin

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

Court of Appeal of the State of California

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F044675 People v. Gwin

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F043863 Tucker v. Mariposa County Unified School District et al.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F043862 People v. Jestice

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F043862 People v. Jestice

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045086 In re David T., a Minor

The above-entitled case is submitted for decision.

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F045086 In re David T., a Minor

As noted above, however, the commitment order to CYA incorrectly identifies David's offense in 2003. We will remand for the juvenile court to amend its commitment order to reflect that David's offense in 2003 was felony possession of a dirk or dagger in violation of Penal Code section 12020, subdivision (a)(4). The court shall forward the amended commitment order to CYA. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]